



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.6554 and 6718 of 2020

and

W.M.P(MD)Nos.5900, 5901, 5902, 14645, 6085, 15225 of 2020

W.P(MD)No.6554 of 2020

R.J.Gangatharan

: Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies,
Madurai.

2.A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited
represented by its President,
Sathamangalam, Madurai.

3.A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited
represented by its
Administrator / Co-Operative Sub Registrar,

: Respondents

[R3 impleaded vide order dated
10.11.2021 in WMP(MD)No.12290 of
2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of suspension dated 19.07.2019 issued by the second respondent in his proceedings in Na.Ka.No.1/2019 and consequential extension orders dated 01.11.2019, 21.02.2020 and 04.05.2020 passed by the second respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner and pay salary and other benefits till date within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Gandhi
For Respondent	: Mr.R.Suresh Kumar,
No.1	Government Advocate(civil)
Respondent	
No.2	: No representation
Respondent	
No.3	: Mr.T.Aswin Rajasimman
	for Mr.T.Lajapathiroy



W.P(MD)No.6718 of 2020

R.J.Gangatharan

: Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies,
Madurai.

2.A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited
represented by its President,
Sathamangalam,
Madurai.

3.K.Pandi

4.A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited
represented by its
Administrator / Co-Operative Sub Registrar, : Respondents

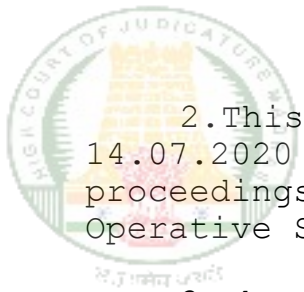
[R4 impleaded vide order dated
10.11.2021 in WMP(MD)No.12249 of
2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records relating to impugned charge memo dated 07.05.2020 issued by the second respondent in his proceedings No. Nil, and quash the same as illegal.

For Petitioner	: Mr.R.Gandhi
For Respondent	: Mr.R.Suresh Kumar,
No.1	Government Advocate(civil)
Respondent	
Nos.2 & 3:	No representation
Respondent	
No.4	: Mr.T.Aswin Rajasimman
	for Mr.T.Lajapathiroy

COMMON ORDER

The petitioner, who was working as Assistant Secretary in the A.3101 Madurai Milk Project Employees Co-Operative Thrift and Credit Society Limited, Sathamangalam, Madurai has filed these writ petitions in W.P(MD)No.6554 of 2020 and W.P(MD)No.6718 of 2020 as against the extension order of suspension dated 04.05.2020 issued by the President of the said Society and the consequential charge memo dated 07.05.2020 respectively.



2.This Court while entertaining these writ petitions on 14.07.2020 granted interim protection to the petitioner till the proceedings initiated under Section 87 of the Tamil Nadu Co-Operative Societies Registration Act are over.

3.The learned Counsel for the petitioner submits that the officer bearers of the said society have created documents in his absence and based on those documents, with *mala fide* intention, the petitioner has been issued with suspension order and charge memo.

4.Mr.Jeyakarthick, learned Counsel who represented the President so far, has submitted that he has been instructed to withdraw the vakalath, since the Society is represented by its Administrator.

5.Mr.T.Aswin Rajasimman, learned Counsel for the Administrator of the Society submitted that the enquiry contemplated under Section 87 of the Act has been concluded and it is found that 17 persons are responsible for misappropriation and they are intending to initiate departmental proceedings as against those 17 persons including the President, who has passed the impugned orders. The learned Counsel further submits that the petitioner, who was the Assistant Secretary is also held responsible for the misappropriation along with others.

6.In view of the submission made on behalf of the Administrator of the respondent Society, this Court directs the Administrator, A.3101 Madurai Milk Project Employees Co-Operative Thrift and Credit Society Limited, Sathamangalam, Madurai to initiate departmental proceedings as against those 17 persons involved in misappropriation and conclude the same within a period of six months from the date of receipt of a copy of this order. Since the impugned charge memo has been issued by the President of the Society, who is also found responsible for the misappropriation, the Administrator shall issue fresh charge memo to the petitioner.

7.The writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO:-

1.The Deputy Registrar of Co-Operative Societies,
Madurai.

2.The President,
A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited
Sathamangalam, Madurai.

3.The Administrator// Co-Operative Sub Registrar,
A.3101 Madurai Milk Project Employees
Co-Operative Thrift and Credit Society Limited,
Sathamangalam, Madurai.

+2 CC to M/s.R. GANDHI, Advocate (SR-34214 & 34215[F] dated
11/11/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34128[F] dated
11/11/2021)

**W.P(MD)Nos.6554 and 6718 of 2020
10.11.2021**

KS (CO)
GC(22.12.2021) 4P 7C